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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 9/2023, I.A. 367/2023 (seeking leave to file Addl. Documents), I.A. 368/2023 (u/S 149 CPC), I.A. 369/2023 (seeking leave to file Addl. Documents in CD)

YASHRAJ FILMS PRIVATE LIMITED Plaintiff

Through: Mr. Abhishek Malhotra and
Ms. Shilpa Gamnani, Advocate.

versus

TRILLER, INC. Defendant

Through: Mr. Anuj P. Agarwala with
Ms. Bhumika Sharma and Mr. Aurito
Mukherji, Advocates.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER

% **10.01.2023**

I.A. 366/2023 (for exemption)

1. Subject to the plaintiff filing original, clear and legible copies of the documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

CS(COMM) 9/2023 & I.A. 365/2023 (O-XXXIX R-1 & 2 of CPC)

3. Let the plaint be registered as a suit.

4. Issue summons in the suit and notice in the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).

5. Counsel for the defendant accepts summons of the suit as well as

notice of the application under Order XXXIX Rules 1 and 2 of the CPC.

6. Written statement be filed within thirty days from today. Along with the written statement, the defendant shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

7. Liberty is given to the plaintiff to file replication, if any, within thirty days from the receipt of the written statement. Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendant, be filed by the plaintiff.

8. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall be also filed with the pleadings.

9. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

10. The main grievance of the plaintiff is that the platform of the defendant uses an extraction tool, which makes available the plaintiff's copyright works to its users for uploading of audio-visual content/short videos, stores, reproduces, makes copies, creates new works embodying the plaintiff's copyright works, commercially exploits, communicates to the public, modifies, synchronizes and/or otherwise exploits or permits the aforesaid acts by the users of the defendant's platform, without a valid license from the plaintiff.

11. Counsel for the defendant shall specifically take instructions with regard to the aforesaid.

12. Reply to the application, if any, be filed within two weeks.
13. Rejoinder thereto, if any, be filed before the next date of hearing.
14. List on 2nd February, 2023.

AMIT BANSAL, J.

JANUARY 10, 2023

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